

**This document has been electronically entered in the records of the United States Bankruptcy Court for the Southern District of Ohio.**

**IT IS SO ORDERED.**

**Dated: November 1, 2017**



  
**C. Kathryn Preston**  
**United States Bankruptcy Judge**

---

**IN THE UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
COLUMBUS DIVISION**

IN RE:

CHARLES LEROY NAYLOR  
CATHY LINDA NAYLOR

Debtors

CASE NO. 14-58912

CHAPTER 13

JUDGE C. KATHRYN PRESTON

**AGREED ORDER RESOLVING MOTION FOR RELIEF  
FROM AUTOMATIC STAY, doc. 41  
16501 BRUSHY FORK ROAD , NEWARK, OH 43056**

This matter is before the Court upon the Motion for Relief From Automatic Stay filed herein by the secured creditor, Ditech Financial LLC, ("Movant"), doc. 41, and the Response thereto filed by Debtors, doc. 44. It appears to the Court that the parties have agreed to a course of action which will permit the continuation of the automatic stay conditioned upon certain provisions incorporated herein for the protection of Movant; and the Court, being otherwise fully advised in the premises, hereby issues the following agreement with respect thereto:

1. The Chapter 13 Plan filed herein by Cathy Linda Naylor and Charles Leroy Naylor (hereinafter "Debtor") provided that said Debtor was to make the regular monthly mortgage payments to Movant outside of the Plan on a regular monthly fashion.
2. In breach of the terms of said Plan, the Debtor failed to make certain of the regular monthly mortgage payments to Movant; said payments currently in default as of October 11, 2017 are as follows:

Month from:	Month to:	Payment Amount	# of pays	Total
April, 2017	April, 2017	\$800.82	1	\$800.82
May, 2017	September, 2017	\$887.04	5	\$4,435.20
Less Suspense:				-\$39.87
<b>Total due through September, 2017</b>				<b>\$5,196.15</b>

3. In order to eliminate said post-petition delinquency, Movant shall file a Supplemental Proof of Claim, within thirty (30) days from the Entry of this Agreement for the post-petition arrearages, fees and costs totaling \$5,196.15.
4. Debtor filed a Motion to Modify the Chapter 13 Plan on October 2, 2017, doc. 46, to provide for conduit mortgage payments to be made by the Chapter 13 Trustee beginning with the October, 2017 payment in the amount of \$887.04.
5. This agreement remains in full force and effect in the event Debtor's case is dismissed by the Court and Debtor subsequently reinstates the case by Order of the Court and/or Movant obtains Relief from Stay and the Stay is subsequently reinstated by Order of the Court.
6. The following events constitute Default under this Agreement: (a) Debtor fails to properly fund the Chapter 13 Plan which results in a delinquency of thirty (30) days or longer (hereinafter, any of these events described above shall be referred to as a "Default").

7. In the event of a Default, Movant shall send a letter with a ten (10) day opportunity for Debtor to respond ("Notice of Default"), notifying the Debtor and Debtor's Counsel of the Default under the terms of this Agreement. If Debtor fails to cure the default, Movant shall file an Affidavit of Default, and upon filing of an Affidavit of Default, the Court may enter an Order stating that the Stay shall be terminated without further notice or hearing, then Court shall enter an Order Granting Relief.
8. The terms and conditions of the Note and Mortgage are unaffected by this Agreement.
9. Movant, its servicer and any successors, may send periodic statements to Debtor.
10. The Trustee shall continue/resume the payments under the original Chapter 13 Plan of the unpaid portion, if any, of the arrearage amount listed in the Movant's Proof of Claim.

**IT IS SO ORDERED.**

Agreed Upon:

/s/ Steven H. Patterson

---

Steven H. Patterson (0073452)  
Attorney for Movant  
Reisenfeld & Associates, LPA LLC  
3962 Red Bank Road  
Cincinnati, OH 45227  
voice: (513) 322-7000  
facsimile: (513) 322-7099  
e-mail: ohbk@rslegal.com

/s/ Mark Albert Herder

---

Per written authorization  
Mark Albert Herder (0061503)  
Attorney for Debtor  
1031 East Broad Street  
Columbus, OH 43205  
voice: 614-444-5290  
facsimile: (614) 444-4446  
e-mail: Markalbertherder@yahoo.com

/s/ Frank M. Pees by DLM (0001391)

---

Per written authorization

Frank M. Pees

Chapter 13 Trustee

130 E. Wilson Bridge Road, Suite 200

Worthington, Ohio 43085

voice: (614) 436-6700

e-mail: ordersandstipulations@ch13.org

COPIES TO:

Default List Plus Additional Parties

JP Morgan Chase

3415 Vision Drive

Columbus, OH 43219

MIA Funding

1545 NE 123<sup>rd</sup> Street

North Miami, FL 33152

Ohio Homeowner Assistance LLC

88 East Broad Street, Ste 1800

Columbus, OH 43215

###

